

## **STATUS OF THE CLAIMS**

Claims 1-12 were originally filed in this patent application. In the previous response, new claims 13-20 were added. In the pending office action, claims 1, 4, 6, 9-11 and 13-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,654,757 to Stern. No claim was allowed. In this amendment, claims 1, 4, 6, and 9 have been amended. Claims 1-20 are currently pending.

## **REMARKS**

### Rejection of claims 1, 4, 6, 9-11 and 13-20 under 35 U.S.C. §102(e) as being anticipated by Stern

The Examiner rejected claims 1, 4, 6, 9-11 and 13-20 under 35 U.S.C. §102(e) as being anticipated by Stern. Applicant traverses the Examiner's finding of anticipation of the claims as amended. Independent claim 1 has been amended herein to more clearly recite that the cluster communication mechanism includes a sliding send window that communicates at least one ordered message to a plurality of other computer systems *in a cluster computer system that cooperate via ordered messages to perform a task* without waiting for an acknowledgment from any of the plurality of other computer systems before sending out the next ordered message.

The multicast communication in Stern is not in a clustered computer system environment. Stern describes a multicast file transfer protocol (MFTP) used in a communications network. The MFTP is a way to efficiently transfer files over a network. The MFTP is not used in a clustered computer environment where the computers cooperate via ordered messages to perform a task. The MFPT is concerned with transferring large files over the network.

Independent claims 4, 6, and 9 include similar limitations to the limitations described for independent claim 1. Each of the independent claim as amended herein clearly recite communication of at least one ordered message to a plurality of other

computer systems in a cluster computer system, where the ordered messages allow a cluster of computers to cooperate to perform a task. For this reason, claims 1, 4, 6 and 9 as amended are allowable over Stern, and applicants respectfully request allowance of these claims. Claims 10-11 and 13-20 depend on independent claims 1, 4, 6, and 9 amended as described above, which are allowable for the reasons given above. As a result, claim 10-11 and 13-20 are allowable as depending on an allowable independent claim.

Rejection of claims 2, 3, 5, 7, 8 and 12 under 35 U.S.C. §103(a)

The Examiner rejected claims 2, 3, 5, 7, 8 and 12 under 35 U.S.C. §103(a) as being unpatentable over Stern in view of Ywoskus. Claims 2, 3, 5, 7, 8, and 12 depend on claims that are allowable for the reasons given above. As a result, claims 2, 3, 5, 7, 8, and 12 are allowable as depending on allowable independent claims.

Conclusion

In summary, none of the cited prior art, either alone or in combination, teach, support, or suggest the unique combination of features in applicant's claims presently on file. Therefore, applicant respectfully asserts that all of applicant's claims are allowable. Such allowance at an early date is respectfully requested. The Examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

By   
Bret J. Petersen  
Reg. No. 37,417

**MARTIN & ASSOCIATES, L.L.C.**  
P.O. Box 548  
Carthage, MO 64836-0548  
(417) 358-4700